

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States, or...

In this case, Applicant filed a non-provisional application on March 6, 2000 claiming the benefit of earlier filed provisional application no. 60/123,815 filed on March 11, 1999.

U.S. Patent No. 6,060,491 issued on May 9, 2000 which is not more than one year prior to the date of this application for patent in the United States. Therefore, U.S. Patent No. 6,060,491 cannot be used as a 102(b) reference in this case.

Next, Applicant turns the Examiner's attention to 35 U.S.C. 102(e) wherein it is stated as follows:

A person shall be entitled to a patent unless-...

(e) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent...

When a prior U.S. patent is not a statutory bar, as in this case, a 35 U.S.C. 102(e) rejection can be overcome by antedating the filing date of the reference by submitting an affidavit or declaration under 37 CFR 1.131. Therefore, Applicant is submitting herewith a declaration under 37 CFR 1.131 antedating U.S. Patent Nos. 5,866,191 and 6,060,491 rendering the Examiner's rejection of claims 1-8 moot. As a result, the Examiner's rejection of claims 1-8 should be withdrawn. Additionally, Applicant maintains that claims 1-8 are in condition for allowance and respectfully requests the Examiner to allow same.

Claims 1-8 have been rejected under 35
U.S.C. 102(b/e) as being anticipated by
Dominguez et al. (U.S. Pat. No.
5,886,191)

Claims 1-8 have been rejected under 35 U.S.C. 102(b/e) as being anticipated by Dominguez et al. (U.S. Pat. No. 5,886,191)

In this case, Applicant filed a non-provisional application on March 6, 2000 claiming the benefit of earlier

filed provisional application no. 60/123,815 filed on March 11, 1999.

U.S. Patent No. 5,866,191 issued on March 23, 1999 which is not more than one year prior to the date of this application for patent in the United States. Therefore, U.S. Patent No. 5,866,191 cannot be used as a 102(b) reference in this case.

Again, Applicant is submitting herewith the aforementioned declaration under 37 CFR 1.131 antedating U.S. Patent Nos. 5,866,191 and 6,060,491 rendering the Examiner's rejection of claims 1-8 moot. As a result, the Examiner's rejection of claims 1-8 should be withdrawn. Additionally, Applicant maintains that claims 1-8 are in condition for allowance and respectfully requests the Examiner to allow same.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Pruitt et al. (U.S. Pat. No. 6,060,491) or Dominguez et al. (U.S. Pat. No. 5,886,191) in view of Ewing et al. (U.S. Pat. No. 5,612,353)

As already discussed above, the '491 and '191 patents cannot form the basis for rejecting the claimed invention because they do not qualify as prior art references. Furthermore, U.S. Patent No. 5,612,353 does not disclose a method of treating thrombosis in a mammal comprising: administering to said mammal a therapeutically effective amount of a combination of (i) a Factor Xa inhibitor, and (ii) a compound selected from the group consisting of aspirin, TPA, a GPIIb/IIIa antagonist, low molecular weight heparin and heparin, **wherein the dose administered for at least one of (i) and (ii) is a subtherapeutic dose.**

Applicant respectfully turns the Examiner's attention to MPEP Section 2142 wherein it is stated that a prior art reference must teach or suggest all the claim limitations. The '353 patent simply does not teach nor suggest all of the claim limitation. Therefore, the Examiner is respectfully requested to withdraw the rejection of claim 6. Applicant maintains that claim 6 is in condition for allowance and respectfully requests the Examiner to allow same.

CONCLUSION

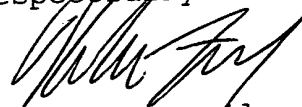
In light of the foregoing amendments and remarks, Applicant maintains that the application is in condition for allowance, and early notice to that effect is respectfully requested. In the interest of advancing prosecution,

Applicant requests the Examiner for a telephonic interview to resolve all outstanding issues if any are present after the entry of this amendment.

A three month extension fee is deemed necessary by the Applicant in connection with the filing of this Amendment, and authorization is hereby given to charge the amount of such fee to Deposit Account No. 04-1928.

Furthermore, if any other fees are deemed necessary in addition to the two month extension fee, authorization is hereby given to charge the amount of such fee to Deposit Account No. 04-1928.

Respectfully submitted,



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11-7-01
(Date)

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